

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ST. LOUIS HEART CENTER, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:13-CV-958-JAR
	)	
GILEAD PALO ALTO, INC., <i>et al.</i>	)	
	)	
	)	
Defendants.	)	
	)	
	)	

**DEFENDANTS' JOINT MOTION TO STAY**

Pursuant to the Order issued by this Court on August 9, 2013 [Doc. # 32], Defendants Gilead Palo Alto, Inc.<sup>1</sup> and The Peer Group, Inc. (collectively, "Defendants") hereby move the Court for a stay of this case pending a final determination on the merits, including appeals, of Gilead's administrative petition presently before the Federal Communications Commission.<sup>2</sup>

In support of this Motion, Defendants direct the Court's attention to the decision in *Nack v. Walburg*, 715 F.3d 680 (8th Cir. 2013) (instructing that the district court "may entertain any requests to stay proceedings for pursuit of administrative determination of the issues raised") and the stay issued by this Court in the related case of *St. Louis Heart Center, Inc. v. Forest Pharmaceuticals, Inc.*, Case No., 2013 WL 3988671, at \*1, Case No. 4:12-CV-2224-JCH [Doc # 72] (E.D. Mo. July 17, 2013) (ordering the case "STAYED until final rulings are issued by the Federal Communications Commission on Defendant Forest Laboratories, Inc.'s Petition for

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<sup>1</sup> Although Gilead Palo Alto, Inc. has been named as a defendant in the above captioned suit, it is not the proper party defendant in this case.

<sup>2</sup> See Petition for Declaratory Ruling and/or Waiver, filed August 9, 2013, with the Federal Communications Commission on behalf of Gilead Sciences, Inc. and Gilead Palo Alto, Inc. (a copy is attached as Exhibit A to the accompanying memorandum in support).

Declaratory Ruling and/or Waiver, and on any appeals filed in connection with the ruling” and ordering the Clerk of Court to “administratively close the matter”). The grounds for this motion are more fully set forth in the memorandum in support filed contemporaneously herewith.

WHEREFORE, for good cause shown, Defendants respectfully request that the Court enter an Order: (a) staying this action in its entirety pending a final determination on the merits of Gilead’s administrative petition before the Federal Communications Commission, through and including any and all appeals of that final determination; (b) administratively close this action pending the final determination of Gilead’s petition by the Federal Communications Commission, including any and all appeals of that final determination; and (c) grant Defendants any further relief the Court deems just and proper.

Respectfully submitted,

THOMPSON COBURN LLP

By: /s/Christopher M. Hohn

Christopher M. Hohn, # 44124MO  
One U.S. Bank Plaza, Suite 2600  
St. Louis, Missouri 63101  
(314) 552-6000 (telephone)  
(314) 552-7000 (facsimile)  
*chohn@thompsoncoburn.com*

*Attorneys for Defendant Gilead Palo Alto, Inc.*

Jonathan K. Stock (OH 0065637)  
(jkstock@ocslawfirm.com)  
*Organ Cole + Stock LLP*  
1335 Dublin Road, Suite 104D  
Columbus, Ohio 43215  
Telephone: 614.481.0900  
Facsimile: 614.481.0904

Scott A. Carlson (IL ARDC 6228975)  
(scarlson@seyfarth.com)  
SEYFARTH SHAW LLP  
131 South Dearborn Street, Suite 2400  
Chicago, Illinois 60603  
Telephone: (312) 460.5000  
Facsimile: (312) 460.7946

*Of Counsel for Defendant Gilead Palo Alto, Inc.*

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

By: /s/ Dale M. Weppner (with consent)  
Dale M. Weppner (MO 41080)  
10 South Broadway, Suite 2000  
St. Louis, MO 63102  
Telephone: 314.241.9090  
Facsimile: 314.241.8624  
(dmw@greensfelder.com)

Patrick T. Clendenen  
Nelson Mullins Riley & Scarborough LLP  
One Post Office Square  
30th Floor  
Boston, MA 02109  
Telephone: 617.573.4700  
Facsimile: 617.573.4710  
(patrick.clendenen@nelsonmullins.com)  
(*Pro Hac Vice* to be filed)

*Counsel for Defendant The Peer Group, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served via operation of the Court's electronic filing system this 16<sup>th</sup> day of August, 2013, to all counsel of record.

/s/ Christopher M. Hohn